

To: Shaffer, Caleb[Shaffer.Caleb@epa.gov]
Cc: Barton, Dana[Barton.Dana@epa.gov]
From: Halsey, Ronald H
Sent: Wed 2/1/2017 11:53:55 PM
Subject: RE: Follow-up from our call on schedule

Caleb,

Thank you again for the proposed path forward for an agreed RI/FS schedule at Leviathan. Our responses are as follows:

- AR agrees with the dates in your first bullet point; however, we must recognize that the dates are dependent on expedited review times (60 days or less) by EPA and the appropriate filtering of stakeholder comments in EPA response documents. The schedule for the Site Characterization Report, the Baseline Risk Assessments, and draft RI/FS Report precludes the incorporation of any data obtained after December 2016. Any data collected after 2016 will be presented as an appendix or supplement to the Site Characterization, RI Report, or in the final RI/FS Report IF the data materially changes the findings of the RI/FS. Otherwise, the additional data can be submitted in a simple 2017 or 2018 “database update,” consistent with Paragraph 64 of the UAO.
- AR agrees to submit the Floodplain Soil and Stream Sediment TSDR’s by June 2017 to be provided in a format and content similar to other recent TSDRs (e.g., groundwater). We will submit an abbreviated Technical Memorandum for Reference Areas (background) by the end of June 2017. Given the number of media and study areas that require reporting in the Reference Areas, the content of the abbreviated Reference Area Technical Memorandum will be limited to maps showing sample locations, raw data tables, and tables presenting threshold reference concentrations to be calculated using the methodology described in the approved Reference Area Work Plan. TSDR’s and 90-day field investigation reports for other RI media and FS tasks will not be submitted as interim deliverables (that is, not before submittal of the Site Characterization Report in December 2017). I also assume AR will not be submitting an interim report summarizing the results of the Geotechnical Evaluation FFS (as was requested in yesterday’s email from Lynda).
Please confirm this assumption meets with your expectations.
- AR agrees to submit a high-level table of contents for the RI/FS Report, which will reflect the revised structure we have agreed to (Site Characterization; RI including baseline risk assessments, and FS). AR trusts that EPA will understand that there are many different styles of report writing and report presentation. EPA should not dictate how each and every section and subsection of the report should be written and presented, and we don’t think it will be productive to continue the back-and-forth review/revision process for the table of contents.
- It is AR’s position that no new order nor modification of an existing order is required for AR to continue aggressively working to meet this schedule as we have been doing for over a year now. We have been a very diligent and responsive RP for well over a decade. However, in an effort to work out an acceptable compromise, AR is willing to discuss a

limited update to the Statement of Work in the existing UAO to address the schedule for submitting the reports discussed in this e-mail string, subject to the types of caveats that you describe below. I suggest we leave these negotiations to our respective legal teams so the technical teams can stay focused on delivering the data analysis and report preparation.

I'm hopeful we can finally put the schedule issue to rest, and we can all move on with the important tasks at hand! If any scheduling concerns remain, or if additional concerns arise, I would appreciate it if you could address them directly with me. Thank you for facilitating this agreement and please let me know if you have any additional questions.

Ron Halsey

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From: Shaffer, Caleb [mailto:Shaffer.Caleb@epa.gov]
Sent: Monday, January 23, 2017 1:55 PM
To: Halsey, Ronald H
Cc: Barton, Dana
Subject: Follow-up from our call on schedule

Hi Ron,

Thanks for taking time during your trip to speak with Dana and I. Below is a summary of our discussion which I hope will be helpful as you discuss it with your team. Let me know if I missed anything, or if there's an aspect of this you'd like to discuss further.

- We would establish the schedule to complete site characterization by December 2017; the full RI including Risk Assessment to by June 2018; the final draft RI/FS by December 2018; and the final RI/FS by June 2019. This should be consistent with the schedule ARC has proposed.
- Since EPA's comments on the recently submitted TDSRs (surface water and groundwater)

are close to being finalized, we will provide those comments. ARC would not need to re-submit any revised TDSR's for these media (or the mine waste TSDR). Instead, we'd ask that your team discuss any concerns they have with EPA's comments so they can be resolved via technical meetings.

- No additional media-TSDR's for 2016 other than Floodplain Soil & Sediment and Reference Areas (background) by June 2017 with the assumption that they would be informed by the nature of EPA's comments on the previously submitted TDSRs. This would eliminate TSDR's with 2016 data for mine waste, surface water and groundwater.
- We'd encourage establishing a *high level* RI Table of Contents to avoid confusion on the structure of the document (e.g. such as the Reference chapter to be an Appendix).
- If there is reluctance to formalize the agreement on schedule as part of an AOC, we would establish a mutually agreed-upon formal schedule, as an update to the existing UAO, with a Statement of Work that defines the expectations, specific deliverables and schedules. Obviously, we can cater it to build in caveats for any unforeseen circumstances that may arise.

Again, I also want to re-emphasize how much we appreciate all the field work ARC has completed to date, which has been significant. I look forward to getting to resolution on the schedule so both of our teams can continue to focus on implementation. If you are able to touch base to let me know even just your initial thoughts within a week, that would be helpful.

Regards,

Caleb Shaffer

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